

Adulteration of the article was charged, in substance, in the indictment for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for milk, which the article purported to be, and for the further reason that it consisted in whole or in part of a filthy animal substance.

On October 20, 1920, the defendant entered a plea of nolo contendere to the indictment, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8712. Adulteration of tomato pulp. U. S. * * * v. 290, 1361, 1018, 1020, 1104, 785, 845, 1195, 1784, 1208, 1336, 1548, 1432, 1803, and 1131 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11835, 11836, 11837, 11838, 11839, 11840, 11841, 11842, 11843, 11844, 11845, 11846, 11847, 11848, 11854. I. S. Nos. 8158-r, 8165-r, 8167-r, 8174-r, 8230-r, 8234-r, 8235-r, 8246-r, 11029-r, 8160-r, 8162-r, 8233-r, 8250-r, 11030-r, 8161-r. S. Nos. C-1622, C-1626, C-1627, C-1629, C-1631, C-1633, C-1634, C-1638, C-1640, C-1623, C-1625, C-1632, C-1639, C-1642, C-1624.)

On or about December 23 and 24, 1919, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of tomato pulp, contained in 5-gallon cans, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped and transported from the State of Indiana into the State of Michigan, as follows, 290 cans on or about November 12, 1918, and 1,361 cans on or about November 25, 1918, by the Rider Packing Co., Seymour, Ind., 1,018 cans on or about November 14, 1918, 1,020 cans on or about November 21, 1918, and 1,104 cans on or about December 3, 1918, by the Scottsburg Canning Co., Scottsburg, Ind., 785 cans, on or about November 5, 1918, by the Orestes Packing Co., Orestes, Ind., 845 cans and 1,195 cans on or about November 15, 1918, by the Alexandria Preserving Co., Alexandria, Ind., 1,784 cans on or about November 22, 1918, by the Arcadia Canning Co., Arcadia, Ind., 1,208 cans on or about October 26, 1918, 1,336 cans on or about October 29, 1918, and 1,548 cans on or about November 7, 1918, by the W. H. Dyer Co., Evansville, Ind., 1,432 cans on or about November 4, 1918, and 1,803 cans on or about November 17, 1918, by the English Canning Co., English, Ind., and 1,131 cans on or about October 17, 1918, by the Rider Packing Co., Crothersville, Ind., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance, namely, decomposed tomatoes and tomato pulp.

On May 13, 1920, the case having come on for final disposition, and the plaintiff, the United States, having appeared by the United States attorney, and the respondent, the Thomas Canning Co., by the Rider Packing Co., Scottsburg Canning Co., W. H. Dyer Co., Alexandria Preserving Co., Arcadia Canning Co., Orestes Packing Co., and English Canning Co., through their attorneys, and the said Thomas Canning Co. having entered no appearance in its own behalf, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the expenses of the proceedings be paid by the said Rider Packing Co., the Scottsburg Canning Co., the W. H. Dyer Co., the Alexandria Preserving Co., the Arcadia Canning Co., the Orestes Packing Co., and the English Canning Co., either jointly or severally.

E. D. BALL, *Acting Secretary of Agriculture.*